

2003 DRAFTING REQUEST

Bill

Received: **01/20/2004**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Jerry Petrowski (608) 266-1182**

By/Representing: **Kathy Marschman (aide)**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**
Transportation - highways

Extra Copies: **PJH**

Submit via email: **YES**

Requester's email: **Rep.Petrowski@legis.state.wi.us**

Carbon copy (CC:) to: **Kathy.Marschman@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Overweight and overlength vehicle permits for vehicles and vehicle combinations transporting logs on USH2

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P1	agary 01/21/2004	jdyer 01/21/2004 jdyer 01/21/2004	rschluet 01/21/2004	_____ _____ _____ _____	lemery 01/21/2004		S&L

01/29/2004 12:07:23 PM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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01-30-2004
("1/1")

see
attached

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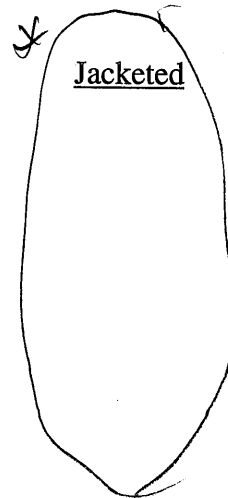
Instructions:

See Attached

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jacket "1/1"
Thank.
ALB

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/?	agary	P1/21 jld					
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FE Sent For:



<END>

Marschman, Kathy

From: Marschman, Kathy
Sent: Wednesday, January 14, 2004 2:06 PM
To: Gary, Aaron
Subject: Drafting Request
Importance: High

Aaron-

In a few minutes I'll be sending over materials to be drafted into legislation. The issue deals with vehicles on USH 2 (a different way of achieving the outcome we were looking for with LRB 2646 earlier this session). I believe the documents will give you a clear understanding of the language needed. This is a super high-priority request. Let me know if you have questions.

Thanks-
 Kathy

Kathy Marschman

Research Assistant/Committee Clerk
 Representative Jerry Petrowski
 86th Assembly District
 608.266.1182/Toll-Free: 888.534.0086

www.jerrypetrowski.com

Aaron -

Use draft language AND incorporate suggestions from Jim Thiel.

1. Two year sunset
2. Michigan info is included
3. No report from DOT (if in fact we can do that... logic suggests that if the law requires the report for a bill, a bill can't supercede the requirement of law until it is enacted as law, at which point the question is moot because the DOT report will already have been done, in accordance with the law.

01/14/2004 Hmmm - I'll defer to Jim and you since you guys have the JDs! :)

Gary, Aaron

From: Marschman, Kathy
Sent: Wednesday, January 14, 2004 2:11
To: Gary, Aaron
Subject: RE: Drafting Request

Yes. It looks like Paul Nilsen and Jim Thiel have been involved in some way or other.
Thanks-
Kathy

-----Original Message-----

From: Gary, Aaron
Sent: Wednesday, January 14, 2004 2:10 PM
To: Marschman, Kathy
Subject: RE: Drafting Request

Kathy,

I was expecting this, but I didn't know from whom - I had heard that DOT was working on it. Can I discuss the draft with DOT if I need technical assistance? Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: Marschman, Kathy
Sent: Wednesday, January 14, 2004 2:06 PM
To: Gary, Aaron
Subject: Drafting Request
Importance: High

Aaron-

In a few minutes I'll be sending over materials to be drafted into legislation. The issue deals with vehicles on USH 2 (a different way of achieving the outcome we were looking for with LRB 2646 earlier this session). I believe the documents will give you a clear understanding of the language needed. This is a super high-priority request. Let me know if you have questions.

Thanks-
Kathy

Kathy Marschman
Research Assistant/Committee Clerk
Representative Jerry Petrowski
86th Assembly District
608.266.1182/Toll-Free: 888.534.0086

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01/14/2004

OVERWEIGHT TRANSPORT OF LOGS BETWEEN MICHIGAN AND ASHLAND

Under current law, with limited exceptions, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory length or weight limits unless that person obtains a permit issued by the Department of Transportation (DOT). One such permit authorizes the operation of a vehicle or combination of vehicles transporting any commodity over any state highway within 11 miles of the Wisconsin-Michigan state line and, if previously approved by local highway authorities, on local highways within that 11-mile range. The permit allows motor carriers to transport loads within 11 miles of the Wisconsin-Michigan state line using Michigan axle weight configurations.

This bill extends that 11-mile range for certain vehicles or combinations of vehicles traveling on USH 2. Under the bill, a vehicle or combination of vehicles operating under a permit issued by DOT and transporting exclusively peeled or unpeeled forest products cut crosswise may travel anywhere upon USH 2 in Ashland County or Iron County. The permit does not authorize travel upon local roads unless previously approved by local highway authorities.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

Section #. 348.27(9)(a) is amended to read:

348.27(9)(a) The department may issue annual or consecutive month permits for the transportation on a vehicle or combination of vehicles of loads exceeding statutory length or weight limitations over any class of highway for a distance not to exceed 11 miles from the Michigan-Wisconsin state line, provided that if except that a vehicle or combination of vehicles transporting exclusively peeled or unpeeled forest products cut crosswise may travel anywhere upon USH 2 in Iron County or Ashland County. If the roads desired to be used by the applicants involve streets or highways other than those within the state trunk highway system, the application shall be accompanied by a written statement of route approval by the officer in charge of maintenance of the other highway.

(END)

Suggestions from Jim Thiel

Put in a sunset or a study to make it more palatable

Make sure it locks in Michigan permits the way they stand right now (You never know what they might do to change them)

There is a statute, 13.099(2), that requires a report any time a bill establishes weight limit exceptions. Put in the bill that there does not have to be a report – especially if there is a study put in



Wisconsin Department of Transportation

DIVISION OF MOTOR VEHICLES
Oversize/Overweight Permits
P.O. Box 7980
Madison, WI 53707-7980
(608) 266-7320

MICHIGAN BORDER PERMIT

OVERSIZE/OVERWEIGHT PERMIT INFORMATION SHEET

Under Wisconsin Statute 348.27(9), Chapter Trans 251, and Chapter Trans 253, the department may issue permits to allow loads of any commodity exceeding statutory length or weight limitations to travel over any class highway in Wisconsin for a distance not to exceed 11 miles from the Michigan-Wisconsin state line. This permit may be used on state trunk highways and local roads. If travel on local roads is desired, a written statement which approves use of those roads must be obtained from the officer(s) in charge of maintenance of the local roads. The permit holder must attach all statements of approval to their permit.

This permit, which allows carriers to transport loads into Wisconsin using Michigan axle weight configurations, is part of a special agreement between these states. Carriers using Wisconsin axle weight configurations, are allowed to transport raw forest products into Michigan, if they purchase a Michigan Raw Forest Permit.

SIZE LIMITATIONS

Vehicles & Loads	
Single Vehicle Length	50'
Vehicle Combination Length	75'
Overall Width	8'6"
Overall Height	13'6"

WEIGHT LIMITATIONS

> Axle weight limitations are described in Chapter Trans 251.03, Wisconsin Administrative Code. Customers may request permits allowing the use of Michigan weight law, but not exceeding 154,000 pounds.

Single Axle	18,000 lbs
Tandem Axle	16,000 lbs/axle, until gross vehicle/load weight reaches 73,280 lbs
Any Other Axle	13,000 lbs
Maximum Permit Weight	154,000 lbs

ROUTE LIMITATIONS

> This permit is valid on all state truck highways which are within 11 miles of the Michigan state line.

> Operation on local roads is valid **ONLY** if a written statement of route approval by the officer(s) in charge of maintenance of the local road(s) is attached to the permit.

**PERMIT
CONDITIONS**

- Vehicles may be operated at the posted speed limit.
- Permits are suspended during the spring thaw, usually mid-March through mid-May.

**INSURANCE
REQUIRED**

When the permitted load is not overweight by more than 25 percent:

Bodily injury, each person	\$150,000	or \$750,000
Bodily injury, each accident	\$450,000	combined single
Property damage, each accident	\$300,000	limit

When the permitted load is greater than 25 percent overweight:

Bodily injury, each person	\$200,000	or \$1,000,000
Bodily injury, each accident	\$600,000	combined single
Property damage, each accident	\$400,000	limit

**VEHICLE
REGISTRATION**

- Vehicle or vehicles must be registered for not less than the maximum registration weight available or the permit weight, whichever is less.

**PERMIT
APPLICATION**

- Apply using Multiple Trip Form MV2612.
- Permits may be issued for 3 to 12 months.

**FEE
INFORMATION**

- Submit the required fee with your application. Make checks payable to: **Registration Fee Trust.**

➤ Use the table below to determine your permit fee. Calculate fees from the effective DAYS of the permit, not the calendar months. (example: 9/5 to 11/20—greater than 2 months to the day, but less than 3 months—would be 3 months.)

Months:	12	11	10	9	8	7	6	5	4	3
Weight: 90,000	100.00	108.00	100.00	92.00	83.00	75.00	67.00	58.00	50.00	42.00
100,000	175.00	177.00	162.00	148.00	133.00	119.00	104.00	89.00	75.00	60.00
110,000	225.00	223.00	204.00	185.00	167.00	148.00	129.00	110.00	92.00	73.00
120,000	275.00	269.00	246.00	223.00	200.00	177.00	154.00	131.00	108.00	85.00
130,000	325.00	314.00	287.00	260.00	233.00	206.00	179.00	152.00	125.00	98.00
140,000	375.00	360.00	329.00	298.00	267.00	235.00	204.00	173.00	142.00	110.00
150,000	425.00	406.00	371.00	335.00	300.00	264.00	229.00	194.00	158.00	123.00
154,000	475.00	452.00	412.00	373.00	333.00	294.00	254.00	214.00	175.00	135.00

Needed by
1/23
end of day

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

§ - Note

Gen

- 1 AN ACT ...; relating to: annual or consecutive month permits for vehicles or
2 combinations of vehicles transporting loads near the Wisconsin-Michigan
3 border.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory limits on size, weight, or load unless that person possesses a permit issued by the Department of Transportation (DOT). DOT may issue an annual or consecutive month permit for an oversize or overweight vehicle or combination of vehicles transporting loads over any state highway within 11 miles of the Wisconsin-Michigan state line and, if previously approved by local highway authorities, on local highways within that 11 mile area.

* This bill extends the area for which such a permit may be issued for certain vehicles or combinations of vehicles traveling on USH 2. Under the bill, a vehicle or combination of vehicles transporting exclusively peeled or unpeeled forest products cut crosswise may operate under such a permit anywhere upon USH 2 in Ashland County or Iron County if the vehicle or combination of vehicles is traveling between Wisconsin and Michigan and does not violate length or weight limitations established under current Michigan law. The permit does not authorize travel upon local roads unless previously approved by local highway authorities.

Under current law, if any bill introduced in either house of the legislature directly or indirectly establishes an exception to vehicle weight limitations, DOT must prepare a report, containing specified information, relating to the bill within

✓
six weeks after the bill is introduced and before any vote is taken on the bill. This bill directs DOT not to prepare such a report on this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 348.27 (9) (a) ✓ of the statutes is amended to read:

2 348.27 (9) (a) The department may issue annual or consecutive month permits
3 for the transportation on a ✓ vehicle or combination of vehicles of loads exceeding
4 statutory length or weight limitations over any class of highway for a distance not
5 to exceed 11 miles from the Michigan-Wisconsin state line, provided that if except
6 that a vehicle or combination of vehicles transporting exclusively peeled or unpeeled
7 forest products cut crosswise may operate under such a permit anywhere upon USH
8 2 in Iron County or Ashland County if the vehicle or combination of vehicles is
9 traveling between this state and Michigan and does not violate length or weight
10 limitations established, as of the effective date of this ^{paragraph} ~~section~~ [revisor inserts
11 date], under Michigan law. ✓ If the roads desired to be used by the applicants involve
12 streets or highways other than those within the state trunk highway system, the
13 application shall be accompanied by a written statement of route approval by the
14 officer in charge of maintenance of the other highway.

History: 1973 c. 157, 316; 1973 c. 333 s. 190m; 1973 c. 336; 1975 c. 25, 285; 1977 c. 29 ss. 1488m, 1654 (8) (a); 1977 c. 30 s. 5; 1977 c. 191, 197, 272, 273, 418; 1979 c. 34, 315, 326; 1981 c. 20, 69, 163, 215, 391; 1983 a. 78 ss. 32 to 35, 37; 1983 a. 529; 1985 a. 29 s. 3202 (3); 1985 a. 202, 212; 1987 a. 27; 1989 a. 31, 35, 130, 305; 1991 a. 258; 1993 a. 62, 439; 1995 a. 113, 163, 227, 347, 348; 1997 a. 27, 35, 367; 1999 a. 85; 2001 a. 16.

15 SECTION 2. 348.27 (9) (a) of the statutes, as affected by 2003 Wisconsin Act

16 (this act), is repealed and recreated to read:

17 348.27 (9) (a) The department may issue annual or consecutive month permits
18 for the transportation on a vehicle or combination of vehicles of loads exceeding
19 statutory length or weight limitations over any class of highway for a distance not

1 to exceed 11 miles from the Michigan-Wisconsin state line, provided that if the roads
2 desired to be used by the applicants involve streets or highways other than those
3 within the state trunk highway system, the application shall be accompanied by a
4 written statement of route approval by the officer in charge of maintenance of the
5 other highway. ✓

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6 SECTION 3. Nonstatutory provisions.

7 (1) EXCEPTION TO REVIEW BY THE DEPARTMENT OF TRANSPORTATION. ✓
8 Notwithstanding ^{section} ~~§~~ 13.096 (2), ^{of the statutes} the department of transportation shall not prepare
9 a report on this bill under ~~§~~ 13.096 (2) and (3). ✓

10 SECTION 4. Initial applicability.

11 (1) This act first applies to permits issued on the effective date of this
12 subsection. ✓

13 SECTION 5. Effective dates. This act takes effect on the day after publication,
14 except as follows:

15 (1) The ^{repeal and recreation} ~~treatment~~ of section 348.27 (9) (a) ² (by SECTION 2) of the statutes takes
16 effect on July 1, 2006.

17 (END)

D-Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4060/P1dn

ARG:.....

file

ATTN: Kathy Marschman

The attached bill incorporates the suggested language drafted by Attorney Nilsen and the comments from Attorney Thiel.

Because the new statutory language in s. 348.27 (9) (a) is not created as its own statutory unit, a traditional sunset provision cannot be used. Instead, to carry out your directive of a two-year sunset, the statutory changes are repealed as of July 1, 2006, and the statute is restored to its current form.

I have modified the suggested language in s. 348.27 (9) (a) in part for clarity and in part to incorporate Attorney Thiel's second comment. I have retained the term "peeled or unpeeled forest products" in the bill. Under s. 348.01 (2) (bt), "raw forest products" are defined to include "wood chips." Certainly "peeled or unpeeled forest products" is a different term, but I wonder whether, if the intent is to exclude transporting of wood chips from the scope of the change effected by the bill, the use of "forest products" might be confusing. Would the term "logs" work?

As you point out in your instructions, there is a "Catch-22" here with regard to the existing requirement for a DOT report on this vehicle weight exception. Under current law, DOT must prepare the report within six weeks of introduction of the bill and before the legislature takes action on the bill. See s. 13.096. On its face, it is a legal impossibility that the non-statutory provision in the bill could be passed and have legal effect prior to DOT, under existing law, being required to prepare the report. However, if the enactment of the bill without a DOT report were challenged in court, a strong argument could be made that s. 13.096, stats., is in reality an internal rule of proceeding, governing the process for enacting legislation, and that, under Art. IV, sec. 8, of the Wisconsin Constitution, the legislature may choose not to comply with s. 13.096. For this reason, I have included the non-statutory provision, as requested, and omitted the customary report requirement in the analysis. Yet, it is unclear how the Speaker Pro Tempore would rule on an objection to action on the bill without the report required under s. 13.096. Please advise if you would like the non-statutory provision removed.

Please let me know if you would like any changes. If the attached draft meets with your approval, please let me know and I will convert it to a "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4060/P1dn
ARG:jld:rs

January 21, 2004

ATTN: Kathy Marschman

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Please let me know if you would like any changes. If the attached draft meets with your approval, please let me know and I will convert it to a "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

He w/ Kathy Marshman 1/29/04

4060 →

• sunset → removed

• "1" ; jacketed

need it now



State of Wisconsin
2003 - 2004 LEGISLATURE

TODAY

LRB-4060/14 1

ARG:jld:rs

R M R

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Regen

- 1 AN ACT *to amend* 348.27 (9) (a); and *to repeal and recreate* 348.27 (9) (a) of
2 the statutes; **relating to:** annual or consecutive month permits for vehicles or
3 combinations of vehicles transporting loads near the Wisconsin-Michigan
4 border.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory limits on size, weight, or load unless that person possesses a permit issued by the Department of Transportation (DOT). DOT may issue an annual or consecutive month permit for an oversize or overweight vehicle or combination of vehicles transporting loads over any state highway within 11 miles of the Wisconsin-Michigan state line and, if previously approved by local highway authorities, on local highways within that 11-mile area.

This bill extends the area for which such a permit may be issued for certain vehicles or combinations of vehicles traveling on USH 2. Under the bill, a vehicle or combination of vehicles transporting exclusively peeled or unpeeled forest products cut crosswise may operate under such a permit anywhere upon USH 2 in Ashland County or Iron County if the vehicle or combination of vehicles is traveling between Wisconsin and Michigan and does not violate length or weight limitations established under current Michigan law. The permit does not authorize travel upon local roads unless previously approved by local highway authorities.

Under current law, if any bill introduced in either house of the legislature directly or indirectly establishes an exception to vehicle weight limitations, DOT

must prepare a report, containing specified information, relating to the bill within six weeks after the bill is introduced and before any vote is taken on the bill. This bill directs DOT not to prepare such a report on this bill.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

X
SECTION 1. 348.27 (9) (a) of the statutes is amended to read:

348.27 (9) (a) The department may issue annual or consecutive month permits for the transportation on a vehicle or combination of vehicles of loads exceeding statutory length or weight limitations over any class of highway for a distance not to exceed 11 miles from the Michigan-Wisconsin state line, provided that if except that a vehicle or combination of vehicles transporting exclusively peeled or unpeeled forest products cut crosswise may operate under such a permit anywhere upon USH 2 in Iron County or Ashland County if the vehicle or combination of vehicles is traveling between this state and Michigan and does not violate length or weight limitations established, as of the effective date of this paragraph [revisor inserts datel, under Michigan law. If the roads desired to be used by the applicants involve streets or highways other than those within the state trunk highway system, the application shall be accompanied by a written statement of route approval by the officer in charge of maintenance of the other highway.

SECTION 2. 348.27 (9) (a) of the statutes, as affected by 2003 Wisconsin Act (this act), is repealed and recreated to read:

348.27 (9) (a) The department may issue annual or consecutive month permits for the transportation on a vehicle or combination of vehicles of loads exceeding statutory length or weight limitations over any class of highway for a distance not

9

1 to exceed 11 miles from the Michigan-Wisconsin state line, provided that, if the roads
2 desired to be used by the applicants involve streets or highways other than those
3 within the state trunk highway system, the application shall be accompanied by a
4 written statement of route approval by the officer in charge of maintenance of the
5 other highway.

6 **SECTION 3. Nonstatutory provisions.**

7 (1) EXCEPTION TO REVIEW BY THE DEPARTMENT OF TRANSPORTATION.

8 Notwithstanding section 13.096 (2) of the statutes, the department of transportation
9 shall not prepare a report on this bill under section 13.096 (2) and (3) of the statutes.

10 **SECTION 4. Initial applicability.**

11 (1) This act first applies to permits issued on the effective date of this
12 subsection.

13 **SECTION 5. Effective dates.** This act takes effect on the day after publication,
14 except as follows:

15 (1) The repeal and recreation of section 348.27 (9) (a) of the statutes takes effect
16 on July 1, 2006.

17 (END)

Barmān, Mike

From: Marschman, Kathy
Sent: Thursday, January 29, 2004 4:35 PM
To: LRB.Legal
Subject: Fiscal Estimate Request - LRB4060
Importance: High

LRB 4060 is scheduled for a hearing and possible executive session on Wednesday, February 4, 2004. The bill requires state and local fiscal estimates. **This is an URGENT request.**

Rep. Petrowski had the bill drafted, but Rep. Sherman is introducing the bill.

Please let me know if there are any questions.
Thanks-
Kathy Marschman

Kathy Marschman
Research Assistant/Committee Clerk
Representative Jerry Petrowski
86th Assembly District
608.266.1182/Toll-Free: 888.534.0086

www.jerrypetrowski.com

Barman, Mike

From: Barman, Mike
Sent: Friday, January 30, 2004 9:02 AM
To: Rep.Petrowski; Marschman, Kathy
Subject: LRB 03-4060/1 (attached - requested by Kathy)



03-4060/1

Mike Barman

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